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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,110	07/22/2005	Bodo Odendall	PNL21480	4340

7590 11/01/2006

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EXAMINER

TRAN, BINH Q

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No.		Applicant(s)	
	10/543,110		ODENDALL, BODO	
	Examiner		Art Unit	
	BINH Q. TRAN		3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/22/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Receipt and entry of Applicant's Preliminary Amendment dated July 22, 2005 is acknowledged.

Specification

The disclosure is objected to because of the following informalities: This application does not contain an *abstract of the disclosure* as required by 37 CFR 1.72(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet *within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.* The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3748

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, and 5-6 are rejected under 35 U.S.C. 102 (b) as being anticipated by Yamashita et al. (Yamashita) (Patent Number 6,263,668).

Regarding claim 1, Yamashita discloses a method for actuating an accumulator catalyst (19) for nitrogen dioxide on an internal combustion engine (1) for a vehicle, comprising: operating the engine in a first operating range as the lean operating range with a lean mixture and in which the nitrogen oxides contained in the exhaust gas flow are stored in a nitrogen oxide storage catalyst, to discharge the nitrogen oxide storage catalyst at a predeterminable switching instant when a predetermined switching condition is satisfied by means of the engine control device switching taking place from the lean operating range to the rich operating range (e.g. See col. 5, lines 55-67; col. 6, lines 1-63), determining an instant of optimized switching from the lean operating range to the rich operating range for discharge of the nitrogen oxide storage

catalyst, a discharge threshold is established as a function of a modeled nitrogen oxide raw emission value in the exhaust gas flow and as a function of the detected current nitrogen oxide tail pipe emission value such that discharge of the nitrogen oxide storage catalyst is triggered if the emission values which are brought into a relation to one another indicate that the discharge threshold has been reached or exceeded (e.g. See col. 6, lines 5-67; col. 7, lines 1-32).

Regarding claim 2, Yamashita further discloses that wherein the discharge of the nitrogen oxide storage catalyst is triggered if the current nitrogen oxide tail pipe emission value detected at the instant of switching reaches or exceeds a predeterminable percentage value relative to the modeled nitrogen oxide raw emission value at the instant of switching (e.g. See col. 6, lines 5-67; col. 7, lines 1-32).

Regarding claim 5, Yamashita further discloses that wherein the nitrogen oxide tail pipe emission value is detected preferably by a sensor device, preferably a nitrogen oxide sensor, which is located downstream of the nitrogen oxide storage catalyst viewed in the exhaust gas flow direction (e.g. See col. 6, lines 5-67; col. 7, lines 1-32).

Regarding claim 6, Yamashita further discloses that wherein the internal combustion engine is located in a car (e.g. See col. 6, lines 5-67; col. 7, lines 1-32).

Allowable Subject Matter

Claims 3-4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since allowable subject matter has been indicated, applicant is encouraged to submit **Final Formal Drawings (If Needed)** in response to this Office action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of five patents:

Okada et al. (Pat. No. 6718756), Tamura et al. (Pat. No. 6463734), Cullen et al. (Pat. No. 5894725), Hahn (Pat. No. 6408615), and Yamashita et al. (Pat. No. 6148612) all disclose an exhaust gas purification for use with an internal combustion engine.

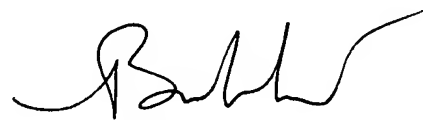
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (571) 272-4865. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reach on (571) 272-4859. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT
October 25, 2006



Binh Q. Tran
Patent Examiner
Art Unit 3748